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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/731,195 | 12/08/2003 | Richard Crici | 1363-2CON | 4349 |

7590 05/09/2005

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| EXAMINER |
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| ART UNIT | PAPER NUMBER |
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3623

DATE MAILED: 05/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/731,195

Applicant(s)

CRICI ET AL.

Examiner

Tamara L. Graysay

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 12-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 June 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 2 pages.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2 pages.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Priority

1. The benefit claim filed on 17 February 2005 was not entered because the required reference was not timely filed within the time period set forth in 37 CFR 1.78(a)(2) or (a)(5).

If the application is an application filed under 35 U.S.C. 111(a) on or after November 29, 2000, the reference to the prior application must be submitted during the pendency of the application and within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior application. If the application is a nonprovisional application which entered the national stage from an international application filed on or after November 29, 2000, after compliance with 35 U.S.C. 371, the reference to the prior application must be made during the pendency of the application and within the later of four months from the date on which the national stage commenced under 35 U.S.C. 371(b) or (f) or sixteen months from the filing date of the prior application. See 37 CFR 1.78(a)(2)(ii) and (a)(5)(ii).

If applicant desires priority under 35 U.S.C. 120 based upon a previously filed application, applicant must file a petition for an unintentionally delayed benefit claim under 37 CFR 1.78(a)(3) or (a)(6). The petition must be accompanied by: (1) the reference required by 35 U.S.C. 120 or 119(e) and 37 CFR 1.78(a)(2) or (a)(5) to the prior application (unless previously submitted); (2) a surcharge under 37 CFR 1.17(t); and (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2) or (a)(5) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional. The petition should be addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Drawings

2. The drawings filed 14 June 2004 are objected to because of the following:
 - a. FIGS. 3-11 fail to comply with 37 CFR 1.84(m) because solid black shading is not permitted unless used to represent a bar graph or color. The shading in FIGS. 3-11 does not aid in understanding the invention.
 - b. FIG. 3 fails to comply with 37 CFR 1.84(u)(1) because it depicts two views that are not numbered separately. The lower half of the figure is disclosed as the screen that is displayed if the “Car” button is selected on the screen depicted at the upper half of the figure.
 - c. They fail to comply with 37 CFR 1.84(p)(5) because they do not include the following reference character(s) mentioned in the description: “66” (P.15, L.7).
 - d. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore,
 - i. the four means-plus-function elements recited in claim 1;
 - ii. the discernible indicia of a schedule conflict between the appointment with a service provider and the service receiver’s schedule, as recited in claim 17;
 - iii. the discernible indicia comprising a visual display, as recited in claim 18;
 - iv. the discernible indicia comprising an audible signal, as recited in claim 19;
 - v. the inputting means receives and updates a service provider’s personal schedule, as recited in claim 21;

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- vi. indicia of a schedule conflict between a business schedule that conflicts with the service provider's personal schedule, as recited in claim 22;
- vii. the step of providing service receivers with the ability to schedule standby appointments for appointment times already reserved, as recited in claim 39,
- viii. the step of providing service receivers with a message if said previously reserved appointment period becomes available, as recited in claim 40;
- ix. the step of providing a discernible indication if a service receiver attempts to schedule a conflicting appointment, as recited in claim 42;
- x. the step of providing a discernible indication if a service provider attempts to schedule a conflicting appointment, as recited in claim 43; and,
- xi. the step of inputting a schedule for a person other than the service receiver, as recited in claim 44,

must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities:

Page 16, line 11, Johnny should be John (see FIG. 7).

Appropriate correction is required.

4. The abstract of the disclosure is objected to because it includes more than one paragraph.

Correction is required. See MPEP § 608.01(b).

Further, applicant is reminded of the proper content of an abstract of the disclosure:

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

Claim Objections

5. Claims 12, 13, and 30 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is

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required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claims 12 and 13 depend upon claim 11, a canceled claim. Each claim has been treated as though it depends upon claim 1.

Claim 30 attempts to limit the method of claim 29 such that the personal schedule of the service provider is not displayed at the remote locations. The features of claim 30 are not related to or distinguished from any previously recited method steps. Further, the claim attempts to include in its scope an act or process step that does not occur (something not displayed) rather than further limiting a previously recited step or adding a further step to the process. Thus, the claim is in improper dependent form.

6. Claims 26-44 and 46 are objected to because of the following informalities:

The preamble of claims 26-44 and 46 is inconsistent with that recited in claim 25. Namely, claim 25 is a method of scheduling appointments ... comprising providing a plurality of service receivers with unrestricted access to a service provider schedule and remote appointment scheduling capabilities for at least one service *provider*, whereas the preamble of each dependent claim is a method of providing a plurality of service *receivers* with remote appointment scheduling capabilities.

Appropriate correction is required.

7. A claim which depends from a dependent claim should not be separated by any claim which does not also depend from said dependent claim. It should be kept in mind that a

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dependent claim may refer to any preceding independent claim. In general, applicant's sequence will not be changed. See MPEP § 608.01(n).

In the present application, claim 7 depends upon claim 4 and is separated therefrom by claims 5 and 6; claim 23 depends upon claim 16 and is separated therefrom by claims 21 and 22.

Applicant's claim numbering will not be changed.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

8. Claims 25-44 and 46 are rejected under 35 U.S.C. 101 because the claimed invention is directed to nonstatutory subject matter.

Claim 25 at line 4 reads, "providing a plurality of service receivers" which in its broadest reasonable interpretation includes a human being. The claim reads, a "method of scheduling appointments comprising" followed by two acts (providing and scheduling capabilities). The act of providing a plurality of service receivers (with unrestricted access) has been interpreted as part of the claimed features of the invention. The specification mentions that the service receivers are human beings. Therefore, the claim as a whole, read in light of the specification and given its broadest reasonable interpretation, includes a human being in its scope.

Claim 39 reads, "providing service receivers (with the ability to schedule standby appointments)." The specification mentions that the service receivers are human beings. Therefore, the claim as a whole, read in light of the specification and given its broadest reasonable interpretation, includes a human being in its scope.

Claim 40 reads, “providing service receivers (with a message).” The specification mentions that the service receivers are human beings. Therefore, the claim as a whole, read in light of the specification and given its broadest reasonable interpretation, includes a human being in its scope.

A claim directed to a human being is nonstatutory subject matter. Therefore, claims 25-44 and 46 are directed to nonstatutory subject matter.

Claim Rejections - 35 USC § 112, first paragraph

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

9. Claims 1-10 and 12-46 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

a. Regarding claims 1 and 25, applicant’s intent to positively recite the “unrestricted” access feature in the claims was noted in the Interview Summary Record of 19 January 2005. The amendment filed 17 February 2005, refers to page 19, line 22 to page 21, line 3 for support for the newly added claims 45 and 46, however, the amendment does not point out the basis in the original application for the “unrestricted” access feature added to claims 1, 25, and the claims that depend thereon.

Upon review of the original application papers as a whole, the examiner has determined that the claimed “unrestricted” access feature does not have support in the specification and claims as originally filed. In support of this conclusion, the examiner directs applicant’s attention to FIG. 1 and pages 8, 10, 19, and 22 of the specification.

First, the disclosed service receiver access is not unrestricted because the specification mentions at page 10, lines 10-11, and page 19, lines 16-18, that the service receiver is able to view only information which the service provider designates to be accessible.

Second, the specification mentions, at page 22 lines 3-4 for example, that the service receiver and service provider can both access and display the service provider’s schedule, however, the specification at page 22, line 19, and at FIG. 1, clearly limits the service receiver’s access by use of a password.

Third, the brief description of the drawings, on page 8 of the specification, refers to FIGS. 1-11 as “one embodiment” of the invention. As such, the login screen depicted in FIG. 1 is a feature of the depicted “one embodiment” that is described in the specification, thereby eliminating both a system (claims 1-24, 45) comprising “means for providing *unrestricted* access” to the business schedule and a method (claims 25-44, 46) comprising the step of “providing *unrestricted* access” to a display of the business schedule.

b. Regarding claims 45 and 46, applicant remarked that support for the new dependent claims is on page 19, line 22 to page 21, line 3; and page 22, lines 12-14.

Upon review of the noted portions of the specification as well as the remainder of the originally filed specification, the examiner has determined that the claimed input receiving means “correspondingly immediately” changes the service provider’s schedule upon receiving “at least some input from said service receivers” feature does not have support in the specification and claims as originally filed.

In support of this conclusion as to claim 45, the examiner notes that the specification (at the above noted portions) includes a system in which confirmation of the appointment by the service receiver is the trigger that simultaneously updates the service provider’s schedule, not “at least some input” as set forth in newly added claim 45.

In support of this conclusion as to claim 46, the examiner notes that the specification (at the above noted portions) includes a method in which providing the service receiver with the ability to input information includes changing the service provider’s schedule simultaneously when the service receiver confirms the appointment. The confirmation is the trigger, not “at least some input” as set forth in claim 46.

10. Claims 45 and 46 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Regarding claim 45, the terminology “at least some input” does not have clear antecedent basis in the specification so the claim is not sufficiently clear to enable one of ordinary skill in the art to make and/or use the invention. The specification does not mention what is meant by

“at least *some input*” from the service receiver. The claimed feature infers that the system update of the service provider’s schedule occurs at any time after the service receiver’s input has begun. However, such an embodiment is not mentioned in the specification. The specification is enabled for input receiving means simultaneously updating the service provider’s schedule when the service receiver confirms the appointment, not when “at least *some input*” is received from the service receiver. The claim terminology has been given its broadest reasonable interpretation, although the terminology lacks antecedent basis in the specification.

Regarding claim 46, the step of immediately changing the service provider’s schedule of available appointments in response to “at least some input” by a service receiver is not described in the specification. The specification is enabled for simultaneously changing the service provider’s schedule when a service receiver confirms an appointment, not an embodiment wherein the simultaneous changing of the service provider’s schedule occurs upon “*some input*” inferring that there is more input to follow. According to the original specification, confirmation of the appointment triggers an update, and no further input occurs.

Claim Rejections - 35 USC § 112, second paragraph

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

11. Claims 3, and 25-46 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3, line 3, plurality of remote locations is confusing because claim 1 associates “first” location with the service provider and “remote” locations with service receivers. The claim has been treated as a system comprising a plurality of means for inputting business appointment schedules of a plurality of service providers at a plurality of first locations.

Claim 25, last two lines, “said step of displaying” lacks antecedent basis. There are four steps recited in antecedent: providing means for inputting and displaying; inputting; providing unrestricted access; and providing input and thereby changing; and none provides antecedent basis for “said step of displaying.” Thus, the recitation of “said step of displaying” is not clear whether the step of providing means for inputting and displaying [at least one appointment schedule at a first location] or providing unrestricted access [to a visual display of a business appointment schedule at a plurality of remote locations] or some other step of displaying is being modified.

Claim 39, lines 3-4, recites the step of providing service receivers with the ability to schedule stand-by appointments for appointment periods which are already reserved, however, claim 25 recites that the displays comprise open time slots for which appointments are available. Thus the claim is unclear as to how the step of “providing service receivers with the ability to schedule stand-by appointments” can be performed when the step is not related to the previously recited step of inputting at least a portion of a service provider’s business appointment schedule or step of said service receivers providing input.

Claim 45, line 4, recites the feature that the input receiving means “changes” the service provider’s schedule; however, claim 1 recites a “means for updating” the business appointment

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schedule. The language of claim 45 is unclear as to whether the means for receiving input or the means for updating perform the function the “changes” the service provider’s schedule.

Claim 46, lines 2-3, “the step of providing said service receivers with the ability to schedule appointments” lacks clear antecedent basis. Claim 25 recites the step of said service receivers providing input to schedule appointments and “thereby changing” the service provider’s schedule. It is unclear how claim 46 is further limiting since claim 25 includes providing input and thereby changing the schedule.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

12. Claims 1-9, 13, 14, 16, 17, 20, 24-28, 31-39, 42, 43, 45, and 46 are rejected under 35 U.S.C. 102(b) as being anticipated by Whyel (US-2001/0027481).

SYSTEM CLAIMS

Regarding claim 1, Whyel discloses an Internet-based appointment schedule system for at least one service provider comprising means for inputting a business appointment schedule of at least one service provider at a first location (Fig. 1, a service providing computer 340); means for providing unrestricted access (§0051) to at least a portion of the service provider’s updated schedule over the Internet (§0039-0042) to service receivers (end users or service requesters) at a plurality of locations remote from the first location (service requesting computer 305), where

said schedule is visually displayed to the service receiver (§0051, displaying in real-time), the access providing means displaying appointments that have not been reserved (§0051, a list of available appointment times for a desired service) and appointments that have been reserved (§0112, the service provider can permit more than one booking for any given appointment time); means for receiving input from the service receivers to schedule appointments with the service provider (§0051, using the displayed available time listing to secure an appointment); and means for updating the service provider's schedule (§0051, a real-time display of the service provider schedule inherently includes means for updating the service provider's schedule).

Regarding claim 2, the service provider computer in Whyel inherently includes a visual display so that the service provider can enter the information as to the appoint schedule and registration information.

Regarding claim 3, Fig. 1 of Whyel depicts a plurality of service providers at a plurality of first locations.

Regarding claims 4-7, Whyel includes a plurality of service providers in related and unrelated businesses (§0043, 0051, discloses the service provider registration process requires providers to input the type of business; businesses of the same type would be related and businesses of different types would be unrelated).

Regarding claims 8-9, Whyel discloses use of credit card as payment for services (e.g., §0083).

Regarding claim 13, Whyel discloses that a user is notified if an appointment is no longer available using an appointment rejection notification (§0121).

Regarding claim 14, Whyel discloses links unrelated to the service provider (§0049, businesses that utilize the central controller are unrelated to each other insofar as they are independent of each other).

Regarding claim 16, Whyel discloses a system for receiving input of at least one service receiver's schedule and displaying the service receiver's schedule to the service receiver (see Fig. 1, at each end user interface 310 a connection to personal appointments is available via the central controller).

Regarding claim 17, Whyel discloses a discernible indicia if there is a schedule conflict (step 1398, the end user is notified if there is an appointment rejection).

Regarding claim 20, Whyel discloses indicia of schedule conflict with a person other than the service receiver insofar as Whyel provides notification to a user if an appointment is not available. An appointment that is unavailable is inherently a conflict with another person.

Regarding claim 24, Whyel discloses a plurality of service providers that may be accessed by the service receiver through the controller.

Regarding claim 45, Whyel discloses input receiving means that are immediately (§0012, real-time appointments) made and updated (§0012, real-time display inherently includes currently updated schedule information).

METHOD/PROCESS CLAIMS

Regarding claims 25, 26, and 32, Whyel discloses a service receiver (end user) with unrestricted access to open time slots of the service provider (§0051); remote appointment scheduling capabilities for at least one service provider (service provider computer 340); providing means for inputting and displaying at least one appointment schedule of at least one

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service provider at a first location (a computer 340 is provided); inputting open time slots of a service provider's business appointment schedule into said inputting and displaying means (§0053, operating system 210 handles input of the CPU 205 of the service provider interface 330); providing unrestricted access to a display of the open time slots at a plurality of remote locations (Fig. 1 depicts access at a plurality of remote locations); said service receivers (end users) providing input to schedule appointments during open time slots from the remote locations by providing input with the service provider and changing the service provider's schedule ((§0051, using a computer displaying an available time listing to secure an appointment; and, a real-time display of the service provider schedule inherently includes changing the service provider's schedule).

Regarding claim 27, Whyel discloses the method being performed over the Internet (§0039).

Regarding claim 28, Whyel's step of providing input inherently includes a change in the service receiver's schedule insofar as a confirmed appointment with the service provider will be included in the "service receiver's schedule" just as any appointment, whether tracked manually, electronically, or mentally will change a schedule, as broadly recited.

Regarding claim 31, Fig. 1 of Whyel depicts a plurality of service providers at a plurality of first locations which includes the step of inputting open time slots of a plurality of service provider's business appointment schedules into said inputting and displaying means.

Regarding claim 33, Whyel discloses a single business location, the virtual location of the central controller 300.

Regarding claims 34-36, Whyel includes a plurality of service providers in related and unrelated businesses (§0043, 0051, discloses the service provider registration process requires providers to input the type of business; businesses of the same type would be related and businesses of different types would be unrelated).

Regarding claims 37-38, Whyel discloses the step of requiring a credit card payment when an appointment is scheduled (e.g., §0083). Whyel includes the step of verifying payment information (e.g., §0119).

Regarding claim 39, Whyel discloses the step of providing service receivers with the ability to schedule standby appointments, as broadly recited, for appointments that are already reserved (§0112, the service provider can permit more than one booking for any given appointment time).

Regarding claim 42, Whyel discloses the step of providing a discernible indication if there is a schedule conflict (step 1398, the end user is notified if there is an appointment rejection).

Regarding claim 43, Whyel inherently includes the step of providing a discernible indication if a service provider attempts to schedule a conflict appointment insofar as Whyel has a process for each service provider to input its schedule information into the database. Any conflict within a service provider's schedule would be denied entry, whereby the denial is a discernible indication of a service provider's conflicting appointment, as broadly recited.

Regarding claim 46, Whyel discloses the step of immediately changing the service provider's schedule in response to input by a service receiver (§0012, real-time appointments and real-time display (inherently includes currently updated schedule information)).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 10, 12, 15, 18, 19, 40, and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whyel (US-2001/0027481).

Regarding claim 10, the examiner takes official notice that payment types other than credit cards are well known in the payment for services field of endeavor; for example, checking account automated withdrawal and debit cards. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the credit card information as the method of payment to some other type of payment, such as that which is well known in the payment for services field of endeavor, in order to provide options to the service receiver or service provider that are suitable to meet the service receiver's or service provider's particular financial situation.

Regarding claim 12, the examiner takes official notice that means for notifying a service receiver when an appointment with a service provider becomes available is well known in the field of endeavor dealing with appointment scheduling. Applicant is attempting to solve the problem of notifying a user of a confirmation of an appointment when a tentative appointment has been made. One of ordinary skill in the art would look to that which is well known, namely notifying a person who booked a tentative appointment that the appointment will take place.

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Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the appointment system of Whyel to include means for notifying a user that an appointment, whether it is a first or second standby (§0112, the service provider can permit more than one booking for any given appointment time) appointment, has been confirmed.

Regarding claim 15, the examiner takes official notice that various websites specialize in a particular type of information. The use of a link to websites that provide directions to an address or location of a service provider is well known in the customer service field of endeavor. A link to such a website expedites a user's access to accurate information about which service provider is most conveniently located. Whyel specializes in collecting and making available information about service providers, the service they render, and the availability of the services. Thus, rather than providing directions at the Whyel service provider website, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Whyel to include a link to a website that provides directions to an address or location of a service provider, such as that which is well known in the customer service area of Internet websites, in order to ensure accuracy of the information provided to the user about an address or location of a service provider and directions to the service provider.

Regarding claims 18 and 19, Whyel is silent as to the particular type of notification that is provided to the service receiver if there is a schedule conflict. The examiner takes official notice that the use of signals, both audible and visual, are well known expedients for notifying a computer user or Internet user of an error or unavailability of a particular link or request. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Whyel to include an audible and/or visual signal to notify the end user that a

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requested appointment conflicts with the user's personal appointments, such as that which is well known in the computer art, in order to avoid scheduling a service provider appointment for a time when the service receiver has another appointment.

Regarding claim 40, the examiner takes official notice that a step of providing a message to a service receiver when an appointment with a service provider becomes available is well known in the field of endeavor dealing with appointment scheduling. Applicant is attempting to solve the problem of notifying a user of a confirmation of an appointment when a tentative appointment has been made. One of ordinary skill in the art would look to that which is well known, namely notifying a person who booked a tentative appointment that the appointment will take place. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Whyel to include a step of providing a message to a service receiver that an appointment, whether it is a first or second standby (§0112, the service provider can permit more than one booking for any given appointment time) appointment, has been confirmed.

Regarding claim 41, the examiner takes official notice various websites specialize in a particular type of information. The use of a link to websites that are unrelated to the service providers, such as a link to a website that provides directions to an address or location of a service provider, is well known in the customer service field of endeavor. A link to such a website expedites a user's access to accurate information about other specialized information, such as which service provider is most conveniently located. Whyel specializes in collecting and making available information about service providers, the service they render, and the availability of the services. Thus, rather than providing other information at the Whyel service

provider website, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Whyel to include a link to a website that provides other specialized information, such as directions to an address or location of a service provider, which is well known in the customer service area of Internet websites, in order to ensure accuracy of the information provided to the user about other specialized information, for example, an address or location of a service provider and directions to the service provider.

14. Claims 21, 22, 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whyel (US-2001/0027481) in view of Huemoeller (US-5855006).

Regarding claims 21 and 22, Huemoeller teaches the use of one system for both personal and business planning (col.12, lines 13-29) including scheduling activities related to both personal and business aspects of a person's life in order to avoid conflicts in a manner that is both convenient and expeditious. It is inherent in Huemoeller that some type of conflict indicia is present in the dual system planning. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Whyel to include both personal and business schedules for service provider personnel, such as suggested by the dual application system of Huemoeller, in order to avoid conflicts in a manner that is both convenient and expeditious.

Regarding claim 29, Huemoeller teaches a method comprising the step of inputting a personal and business schedule (col.12, lines 13-29) on the same system in order to avoid conflicts in a manner that is both convenient and expeditious. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Whyel to include the

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step of inputting both personal and business schedules, such as taught by Huemoeller, in order to avoid conflicts in a manner that is both convenient and expeditious.

Regarding claim 30, the privacy of a personal schedule is inherent and it would have been obvious to one of ordinary skill in the art to not display a personal calendar on a business Internet website.

15. Claims 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whyel (US-2001/0027481) in view of Raskin (article, Have your calendar call mine).

Regarding claim 23, Raskin teaches multi-user schedules (calendars) to accommodate a schedule that is used by a plurality of persons whose appointments are interdependent or who rely on each other for getting to an appointment. Raskin teaches coded access (a shared password, for example) for multi-users to access the shared schedule (page 26, middle column, lines 33-39). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Whyel to permit multi-user coded access to a schedule, such as taught by the multi-user schedule of Raskin, in order to permit others to have coded access to one's schedule.

Regarding claim 44, Raskin teaches inputting a schedule for a person other than the service receiver (multi-user schedules (calendars) to accommodate a schedule that is used by a plurality of persons whose appointments are interdependent or who rely on each other for getting to an appointment). Raskin teaches access (a shared password, for example) for multi-users to access the shared schedule (page 26, middle column, lines 33-39). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Whyel to include

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the step of inputting a schedule for a person other than the service receiver (a multi-user schedule), such as taught by Raskin, in order to permit others to have access to one's schedule.

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Rasansky (US-5960406) teaches an Internet based scheduling system viewed and used by a plurality of persons.
- Yonemitsu (US-6856962) teaches scheduling standby appointments (col. 3, lines 52-59).
- Tagawa (cited by applicant, US-5732398) teaches an appointment scheduling system for a plurality of service providers comprising: means for inputting a business appointment schedule of at least one service provider (e.g., airline, car rental, lodging information) at a first location (reservation center); means for providing unrestricted access to at least a portion of the service provider's updated business schedule (e.g., col.16, line 66 to col.17, line 8) to service receivers (user) at a plurality of locations remote from the first location (kiosks), means displaying appointments (broadly, the screen displays the appointments through the use of query screens 24) of the service provider which have been reserved and which have not been reserved (a calendar is displayed and the user selects a start time and stop time for the service whether it is departure and return, or check-in and check-out dates selected from the calendar); and means for updating the service provider's business schedule (updating is inherent in the Tagawa disclosure because each service provider calendar would necessarily be updated when the self-serve kiosk is used by the user to

- schedule an appointment and thus the business appointment schedule of the service provider would be updated to reflect the business appointment scheduled by the user).
- O'Connor (US-2001/0011225) teaches an appointment scheduling system for making real-time appointments over the Internet.
 - Moczygemba (US-2002/0059082) teaches using the Internet to schedule appointments with one of a plurality of service providers that upload appointment schedule information.
 - Smiley (US-5982863) teaches using the Internet in lieu of the telephone for making appointments with a service provider.
 - Brown (US-2001/0051892) teaches service receivers (clients) accessing an online schedule of a plurality of service providers of the same type (design center consultants).
 - Frid-Nielsen (cited by applicant, US-5519606) teaches discernible indication of a schedule conflict that is displayed for user reconciliation.
 - Miura (JP-2001216349) teaches direct reservation system for use by service receivers to schedule appointments with service providers.
 - Menzel (DE-10029354) teaches online scheduling by service receivers wherein the service provider schedule is immediately updated.
 - The jacknabbit.com references teach an online scheduling system used by service receivers to schedule appointments with service providers who have open time slots.


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17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamara L. Graysay whose telephone number is (571) 272-6728.

The examiner can normally be reached on Mon - Fri from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz, can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Tamara L. Graysay
Examiner
Art Unit 3623

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